

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEBRA F. LITTLE,

4:16-cv-11968-TGB-APP

Plaintiff,

HON. TERRENCE G. BERG

vs.

ORDER ADOPTING REPORT
AND RECOMMENDATION ON
PLAINTIFF'S PETITION FOR
ATTORNEY'S FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT

**NANCY A. BERRYHILL,
ACTING COMMISSIONER,
SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

This case was previously before the Court on plaintiff Debra F. Little's appeal of the Social Security Administration's (SSA) denial of her application for disability insurance benefits. On September 27, 2017, the Court adopted Magistrate Judge Anthony P. Patti's Report and Recommendation recommending that the Court grant Little's motion for summary judgment, deny the SSA Acting Commissioner's motion for

summary judgment, and remand this matter for further proceedings. The case is now again before the Court on Magistrate Judge Anthony P. Patti's September 28, 2018 Report and Recommendation (ECF No. 36) suggesting that Little's petition for attorney's fees under the Equal Access to Justice Act (ECF No. 31) be denied. 28 U.S.C. § 2412.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections to Magistrate Judge Patti's Report and Recommendation. The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate Judge's Report and Recommendation of September 28, 2018 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Patti's Report and Recommendation of September 28, 2018, (ECF No. 36) is

ACCEPTED and **ADOPTED**. It is further ordered that plaintiff Debra Little's motion for attorney's fees under the Equal Access to Justice Act (ECF No. 31) is **DENIED**.

SO ORDERED.

Dated: February 4, 2019

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on February 4, 2019, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb
Case Manager